

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

DUANE MORRIS, LLP

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Order Filed on July 31, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

ROBERT ELLIOTT SHANLEY, III

Case No.: 18-26126-MBK

Judge: Hon. Michael B. Kaplan

Hearing Date(s): 7/19/2023

Chapter: 13

Recommended Local Form

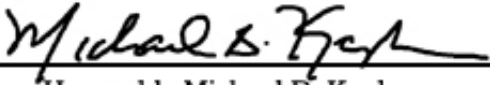
☒ Followed

☐ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4), is **ORDERED**.

DATED: July 31, 2023


Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant: TD Bank, N.A.

Applicant's Counsel: Ryan A. Gower, Esquire

Debtor's Counsel: Joseph Casello, Esquire

Property Involved ("Collateral"): 198 Grand Avenue, Navesink, NJ 07752

Relief sought: ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 3 months, from 05/01/2023 to 07/01/2023.

☐ The Debtor is overdue for _____ payments at \$_____ per month.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

☐ Applicant acknowledges receipt of funds in the amount of \$_____ received after the motion was filed.

Total Arrearages Due \$ 6,559.69.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$ 2,000.00. Payment shall be made no later than 07/21/2023.

☒ Beginning on 08/01/2023, regular monthly mortgage payments shall continue to be made in the amount of \$ 2,938.04.

☒ Beginning on 09/30/2023, additional monthly cure payments shall be made in the amount of \$ 4,559.69 for 1 months.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$_____ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment: TD Bank, N.A.
Payment Processing, PO Box 16029
Lewiston, ME 04243

☒ Regular monthly payment: TD Bank, N.A.
Payment Processing, PO Box 16029
Lewiston, ME 04243

☒ Monthly cure payment: TD Bank, N.A.
Payment Processing, PO Box 16029
Lewiston, ME 04243

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$ 310.00, and costs of \$ _____.

The fees and costs are payable:

☐ through the Chapter 13 plan.

☒ to the Secured Creditor within 60 days.

☐ Attorneys' fees are not awarded.